

No. 12-338

**IN THE UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

PREDRAG CICVARA,

Plaintiff-Appellant,

v.

**PROCTER & GAMBLE CO.,
DURACELL, LYNNE BURNETT,**

Defendants,

and

**GILLETTE CO., PROCTER &
GAMBLE CO., INC.**

Defendants-Appellees

**DECLARATION OF RICHARD B. LAPP IN SUPPORT OF
DEFENDANTS-APPELLEES' VERIFIED BILL OF COSTS**

I, Richard B. Lapp, declare pursuant to 28 U.S.C. § 1746(b) as follows:

1. I am a Partner in the Chicago office of Seyfarth Shaw LLP and one of the attorneys who represents Defendants-Appellees Gillette Co. and Procter & Gamble Co., Inc. ("Gillette") in this appeal. I make this Declaration based on my personal knowledge and I am competent to testify to the matters set forth herein, if

asked to so testify. I provide this Declaration to verify the amounts set forth in Gillette's Verified Bill Of Costs, which Gillette files simultaneously with this Declaration.

2. On January 19, 2012, appellant filed his Notice of Appeal in this matter with the U.S. District Court for the District of Connecticut. (*Cicvara v. Gillette Co.*, No. 3:09-cv-02054-JCH (D. Conn.), Dkt. #101.) Subsequently, on February 1, 2012, this Court instructed the parties to file "three additional paper copies of the Appendix and/or Joint Appendix" when "the Appendix or Joint Appendix is filed" (the "February 2012 Order"). (Dkt. #23.)

3. On May 2, 2012, the parties in this case agreed that they each would pay for the required appendices "on a prorated basis" (the "May 2012 Agreement"). (Ex. A hereto.)

4. On July 23, 2012, appellant filed his opening brief, the parties' special appendix, and the parties' joint appendix. (Dkt. ##56-59.) Appended hereto as Exhibit B is a true and correct copy of the invoice that AppealTech, the printing company selected by appellant, provided to counsel to Gillette that detailed the costs associated with appellant's filings. As Exhibit B details, the total cost of printing the joint and special appendices was \$6,712.64. The \$6,712.64 amount includes a line item for shipping via FedEx (\$237.64), which is not a recoverable cost under the Federal Rules of Appellate Procedure. The recoverable amount

therefore stands at \$6,475.00. Gillette has paid that full amount. However, per the parties' May 2012 Agreement, Gillette is due half of that amount: \$3,237.50.

5. On August 24, 2012, Gillette filed its brief in response to appellant's opening brief. (Dkt. #72.) Appended hereto as Exhibit C is a true and correct copy of the invoice that PrintingHousePress provided to counsel for Gillette, detailing the cost of printing the brief in response. As Exhibit C details, the total cost of printing was \$447.64. The \$447.64 amount includes line items for shipping via U.S. Mail (\$7.65) and for service and filing (\$75.00), which are not recoverable costs under the Federal Rules of Appellate Procedure. The recoverable amount therefore stands at \$364.99, which Gillette has paid.

6. Appellant did not file a brief in reply in this matter.

7. Based on the costs detailed above, Gillette is entitled to recover \$3,602.49 ($\$3,237.50 + \$364.99 = \$3,602.49$).

I declare under perjury of the laws of the United States of America that the foregoing is true and correct.

DATED this 21st day of February, 2013: By: /s/ Richard B. Lapp

Richard B. Lapp
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Chicago, Illinois 60603
(312) 460-5000
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EXHIBIT A

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May 2, 2012

VIA FIRST CLASS MAIL
AND FAX (860) 675-7104

Igor I. Sikorsky, Jr., P.C.
Law Office of Igor I. Sikorsky
P.O. Box 38
Unionville, CT 08085

Re: *Cicvara v. The Gillette Company*
U.S.D.C., D.Conn., Civil Action No. 3:09-CV-2054 (JCH)

Dear Mr. Sikorsky:

In response to your letter of May 1, 2012, this letter will confirm that we will stand unopposed to a motion to extend time for filing the Joint Appendix until June 1, 2012.

I also confirm that we will honor the standing agreement to pay for the appendix on a prorated basis.

Thank you for your professional courtesy.

Very truly yours,

SEYFARTH SHAW LLP

Richard B. Lapp
Richard B. Lapp

RBL:ls

cc: Camille A. Olson

14424137v.1



EXHIBIT B

AppealTech

7 West 36th Street, 10th Floor
New York, New York 10018

Invoice

Date	Invoice #
7/31/2012	12-07-122B

Bill To
Nathan Kipp, Esq. Seyfarth Shaw LLP 131 South Dearborn Street, Suite 2400 Chicago, Illinois 60603

P.O. No.	Terms	Due Date	FED.TAX ID	REP	CASE NAME		
20093	Net 30	8/30/2012	20-2475416	DR	Cievara v. Gillette Co., et al.		
Description					Qty	Rate	Amount
Service & Filing Date: 7/23/12							
JOINT APPENDIX							
9 Copies - 852/870 Pages @ \$4.00					852	4.00	3,408.00
Each Additional Volume of Typeset Covers - Printing & Perfect Binding Included - 2 Vols. @ \$100					2	100.00	200.00
Typeset Table of Contents - Paralegal Time Included - 7/8 Pages @ \$90					7	90.00	630.00
Cross Referencing of Documents - 15 Docs. @ \$20.00					15	20.00	300.00
9 Original Color Copies - 65 Copies @ \$2.00						1,170.00	1,170.00
Electronic Document Preparation - 852 Pages @ \$.50					852	0.50	426.00
SPECIAL APPENDIX							
9 Copies - 28 Pages @ \$4.00					28	4.00	112.00
Typeset Covers - Printing & Perfect Binding Included - 1 Vol. @ \$125					1	125.00	125.00
Typeset Table of Contents - Paralegal Time Included - 1 Page @ \$90					1	90.00	90.00
Electronic Document Preparation - 28 Pages @ \$.50					28	0.50	14.00
Federal Express Charge to Client						237.64	237.64
Sub-Total Taxable							6,712.64
Accounts forwarded to collections will be assessed a 25% processing fee.					Total		\$6,712.64
					Payments/Credits		\$0.00
					Balance Due		\$6,712.64

Payable to Z & J LLC dba APPEALTECH TIN#20-2475416
TO ASSIST YOU AND YOUR CLIENT, WE NOW ACCEPT MAJOR CREDIT CARDS.
Tel: 212-213-3222 Fax: 212-213-4133 e-mail: mail@appealtech.com

EXHIBIT C



PrintingHousePress

10 East 39th Street, 7th Floor
New York, NY 10016

Phone: (212) 719-0990 Fax: (212) 398-9253

To: Nathan Kipp, Esq.
Seyfarth Shaw LLP
620 Eighth Avenue, 21st Floor
New York, NY 10018

Invoice #32652

Please refer to invoice number with Payment

If this invoice is being forwarded to a third party for payment, e.g., Insurance Carrier, Law Firm, Client, etc., then please cc: to ar@phpny.com. Thank you.

Invoice Date	Net Terms	Appellate Consultant	Court
8/24/2012	Net 30 Days	Paul LaMar	Court of Appeals for the 2nd. Circuit
Predrag Cicvara v. Gillette Co. Appellee's Brief			
Quantity	Description	Unit Price	Total
44	Brief Pages - 11 Copies (includes covers & binding) @	7.47	328.50
1	Service and Filing (1st party only) @	75.00	75.00
1	U.S. Mail/Handling(s) @	7.65	7.65

File Number:

Subtotal: 411.15

Sales Tax: 36.49

Total Invoice Amount: 447.64

Payment Received: 0.00

Please remit payment by: 9/23/2012

Total Amount Due: 447.64

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8246 Paul LaMar 51286 (212) 218-5500

Page 1 of 1